

Claim 5 is directed to a composition comprising a cyclodextrin-containing polymer and a therapeutic agent and a complexing agent comprising at least one functional group and at least one host/guest moiety that forms an inclusion complex with a host/guest moiety of said polymer. Claims 6, 12, 13, and 19 all depend from claim 5.

The Office Action apparently considers 2-aminoanthracene in the context of Preparation IV to be a complexing agent. However, this preparation is described as being “a targeted cyclodextrin polymer carrier [prepared] by covalently coupling a biorecognition molecule to a cyclodextrin polymer carrier.” By reference to Preparation III, it is clear that the 2-aminoanthracene, used as a fluorophore, is covalently coupled to the polymer. In step B, the gamma globulin antibody is covalently coupled to the polymer as well. Specifically, lysine residues present in the subunits that link the cyclodextrin molecules together into the polymer are activated and covalently coupled with the antibody. Thus, the antibody is covalently coupled to the polymer as well.

There is no teaching or suggestion in Kosak that the antibody be included in a complexing agent that includes a host/guest moiety that forms an inclusion complex with a cyclodextrin unit of the Kosak polymer. Instead, the antibody is directly and covalently coupled to the polymer. The 2-aminoanthracene is also coupled to the polymer covalently, rather than through an inclusion complex as recited in claim 5. Accordingly, the cited reference fails to anticipate or render obvious the presently claimed subject matter.

Double Patenting Rejection

Claims 5-7 and 11-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-7 and 11-21 of U.S. Patent Application No. 10/021,312. Applicants will submit a terminal disclaimer, if necessary, upon indication of allowability.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully

solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: November 3, 2003



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